IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	**EP-07-CR-2657-PRM-1**
	§	
OMAR REYES,	§	
Defendant.	§	

ORDER DENYING MOTION

On this day, the Court sua sponte considered Defendant Omar Reyes's unopposed "Motion for Sentence Adjustment" (ECF No. 22), filed on May 14, 2009, in the above-captioned cause. After due consideration, the Court is of the opinion that Defendant's motion should be denied as moot.

On January 29, 2008, the Court sentenced Defendant to a term of thirty-seven months' imprisonment on each of two counts of importation and possession of marijuana in violation of 21 U.S.C. §§ 952, 960, and 841, to be served concurrently. J. & Comm. 1–2, Jan. 30, 2008, ECF No. 20. On May 14, 2009, Defendant filed the Motion, asking the Court to reduce his sentence by six months because of his citizenship status. Mot. 1–2, May 14, 2009, ECF No. 22. Because Defendant has since been released from federal custody,[1] the Court is without power to grant the relief sought in his Motion. Defendant's release therefore renders the Motion moot. *See United States v. Boston*, 419 F. App'x 505, 506 (5th Cir. 2011) ("If the only relief sought by an appellant cannot be granted, the case is moot."); *see also Dailey v. Vought Aircraft Co.*, 141 F.3d 224, 227 (5th Cir. 1998) (citing *Calderon v. Moore*, 518 U.S. 149, 149–51 (1996)).

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[1] Defendant was released from federal custody on May 28, 2010. Fed. Bureau Prisons, Inmate Locator, http://www.bop.gov/iloc2/LocateInmate.jsp (search for Register Number 08880-280 in "Search by ID Number" form) (last visited Sept. 3, 2013).

Accordingly, **IT IS ORDERED** that Defendant's "Motion for Sentence Adjustment" (ECF No. 22) is **DENIED AS MOOT**.

SIGNED this **3rd day** of **September, 2013**.

PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE